

HIGHLAND SQUARE URBAN RENEWAL AREA AND REDEVELOPMENT AREA PLAN April 2006

I. Location of Highland Square Urban Renewal Area

The Highland Square Renewal Area is located in the City of Akron, County of Summit, State of Ohio, and is bounded as shown on Map 2 and as described in Exhibit 1, attached hereto. The Renewal Area consists of approximately 25 acres situated on the west side of the City of Akron and generally bounded by Edgerton Road and rear property lines along West Market Street on the north, Casterton Avenue and Grand Avenue on the east, Grand Avenue on the south (where Grand Avenue intersects Portage Path and changes direction) and the rear property lines along the west side of Portage Path between Bloomfield Avenue and West Market Street on the west. A larger Redevelopment Area contains all of the Renewal Area and extends the boundaries east following the rear property lines of parcels fronting along the north and south sides of West Market Street to Rhodes Avenue. The entire Redevelopment Area contains approximately 57 acres (See Map 2).

II. Statement of Public Purpose and Policy

The City has prepared this Plan as part of carrying out the City's public purpose of elimination and prevention of recurrence of blight in the Plan area and for the development of off-street parking available for use by the general public. This Plan is an "urban renewal plan" within the meaning of O.R.C. Section 725.01 and Section 303.

III. Statement of Development Objectives to be Achieved by the Project

The goals of the City of Akron in undertaking the project are: 1) to eliminate blight and to prevent recurrence of blight; 2) to enable the assembly of land sufficient to create public off-street parking which meets current market and design requirements; 3) establish development standards to guide the development of new structures and activities consistent with the established development pattern of the Highland Square Business Area; and 4) support a successful business area by developing an attractive, convenient and accessible environment for business, residential and cultural uses.

To carry out the project's goals, the following specific objectives are proposed:

A. Land Use Objective

Enhance the viability of the Highland Square Business Area by encouraging land uses that are compatible with a mixed use area, including residential, retail and office use along West Market Street.

1. Remove blighted and incompatible properties within the project area that are deteriorated, or a threat to the public health, safety and general welfare.
2. Provide suitable redevelopment sites for the construction of off street parking that support retail and office use.
3. Prohibit incompatible uses from locating in the project area; this includes open sales lots, gas stations, car washes and other uses that disrupt a safe, pedestrian oriented business environment.
4. Establish well-defined boundaries that emphasize the compact density of the Highland Square retail district and encourage a sense of arrival and departure.
 - a. Entry nodes occur at Portage Path and Rhodes Avenue.
 - b. Retail activity is concentrated between Portage Path and the mid-block of Grand Avenue.
 - c. Office and residential use predominates between Highland Avenue (northside)/Grand Avenue (southside) and Rhodes Avenue.
5. Promote mixed-use development throughout the district.
6. Encourage additional restaurant activity in the business area, especially locally owned operations.

B. Environmental Objective

Develop an attractive and visually improved environment, which is consistent with the Highland Square Urban Renewal Plan:

1. Remove properties which are poorly maintained, deteriorated and attract nuisance activity that detract from residential and retail use within the renewal area, and are detrimental to the health, safety and welfare of the general public and persons who pass through the area.
2. Encourage a variety and intensity of street activity.
3. Encourage multi-story development along West Market Street.
4. Promote a continuous retail edge at the property line. Infill vacant areas with retail activity.
5. Allow for the development of outside eating areas in front of or alongside retail establishments.
6. In the office/residential section of the redevelopment area preserve a pattern of landscaped setback. The individual structures and the collective development pattern in this area provides a distinctive zone that is a recognizable transition space between the more intensive retail and business uses to the east and west.
7. Buffer retail and office uses from the surrounding residential neighborhood.
8. Improve the existing streetscape with the addition of artwork, way-finding signage, and street furniture.
9. Encourage the use of awnings and building overhangs to provide protection for pedestrians and add visual color and character to the building façade. Awnings made of vinyl or internally illuminated are discouraged.
10. Renovation or adaptive reuse of existing structures should respect and preserve the quality historical or architectural details that may exist.
11. Through public gathering opportunities and activities reduce the barrier to interaction between residents north and south of West Market Street.

C. Transportation and Circulation Objectives

Promote the safe and convenient circulation of vehicles (automobiles, buses, bicycles) and pedestrians and provide sufficient parking to develop a successful business and residential community.

1. Ensure ease of access to the business area and circulation through it via the pattern of streets and blocks.
2. Emphasize the pedestrian-oriented quality of the streetscape.
3. Encourage the development of gathering or lingering areas for pedestrians and retail customers.
4. Maintain features that buffer pedestrians and the sidewalk area from moving traffic such as planters, on –street parking, street furniture, etc.
5. Where practicable, limit vehicle access from West Market Street to parking areas so as to reduce potential safety conflicts with pedestrians.
6. Improve traffic flow and safety along the West Market Street retail area by reducing vehicular ingress-egress points and encouraging common vehicular access point for retail development.
7. Angled parking on West Market Street has served to increase pedestrian safety and slow vehicular traffic through the business area; both desired characteristics of a pedestrian friendly environment. Any adjustments to the amount and type of on street parking as a result of new development should be done so as to maintain those characteristics.
8. Provide convenient, accessible off-street parking. Place off-street parking behind or, if necessary, at the side of business or residential structures with access from side streets.
9. Consider expanding the use of metered parking to encourage an active supply of on-street parking.
10. Provide safe and visible pathways from off-street parking areas to the public sidewalk or to business entries.
11. Utilize traffic calming measures on neighboring residential streets to lessen the impact of increased traffic to a successful business area.

D. Economic Objectives

Stimulate financial investment, business development and property improvement to create a successful and profitable community.

1. Encourage investment to rehabilitate existing business and residential property.
2. Enforce building and environmental codes to maintain the good condition of existing buildings and sites.
3. Create opportunities for new construction of retail, office and residential structures.
4. Evaluate the potential to retain a portion of revenue from metered public parking use to benefit the business area.
5. Support development of new businesses by local entrepreneurs that can deliver desired services and products that enhance the destination character of the business area.

IV. Types of Proposed Renewal Actions

Proposed renewal actions to be carried out by the City in the Renewal Area following adoption of the renewal plan may include acquisition and clearance of property, the sale or lease of land for redevelopment, the development of public parking, construction of supporting infrastructure, assisting the rehabilitation of privately-owned properties, and additional actions to support retail, office and residential facilities. Redevelopment sites controlled by the City are to be acquired by agreements with the City setting forth permitted uses, use restrictions and development requirements.

A. Creation of Public Off-Street Parking

1. The City proposes to acquire property in the Renewal Area south of parcels fronting on the south side of West Market Street in order to create public parking. Properties to be acquired for this purpose will be identified as an amendment to the Renewal Plan. This parking will be curbed and landscaped.
2. The City will create public parking north of West Market Street between Conger Avenue and North Highland Avenue.
3. Owners of business property who will benefit from the public parking created will be assessed for a portion of the development costs of that parking.

B. Acquisition to remove blighting influences

The City may also acquire and demolish buildings that are blighting influences or property to assure orderly redevelopment in keeping with the objectives of the Highland Square Renewal Plan. Properties to be acquired for this purpose in the Renewal Area will be identified in an amendment to the Renewal Plan.

C. Rehabilitation of Private Property

The City will provide assistance to private property owners within the boundaries of the Renewal and Redevelopment Area in order to improve the exterior of the business property or site. Property improvements assisted by the City are expected to meet the intent of the objectives of the Renewal and Redevelopment Plan and must be approved by the Urban Design and Historic Preservation Commission.

Owners of properties receiving financial assistance from the City of Akron for rehabilitation must agree to permit 25% of their existing off-street parking to be available to the general public and not restricted to customers of businesses located on that property.

V. Land Use Plan

A. Permitted Land Uses

In order to achieve the objectives of this Urban Renewal Plan, the proposed land uses within the Highland Square Urban Redevelopment Area are classified under Retail, Office and Multi-family residential use. The Multi-Family activity may be medium density (10-15 units per acre), or high density (16 or more per acre). Land Use Plan Map 5 depicts permitted land use in the area.

It should be clearly noted that the City's existing zoning use districts permit the development of mixed-use activities.

B. Zoning

1. Existing Zoning Map

The existing zoning for the Highland Square Redevelopment Area is Single Family (U1) Section 153.240, Apartment (U2) Section 153.245, Office (ULB) Section 153.270 and Retail (U3) Section 153.280. Zoning Map 4 indicates existing zoning.

2. Proposed Zoning Use

A UPD-5 zoning is proposed for properties fronting West Market Street within the Redevelopment Area (see Map 6). The intention of this UPD designation is to encourage the development of mixed-use activity in new buildings. This designation divides the area into two sub-zones with different permitted uses:

- a. North and south side of West Market Street between Portage Path and Grand Avenue/Casterton Avenue the Limited Retail permitted uses are contained in Section 153.280 A.1, 2, 3 and B. 3 except for newspaper printing, job printing, dance hall, skating rink, motor vehicle sales or ambulance service.
- b. North and south side of West Market Street between Grand Avenue/Casterton Avenue and Rhodes Avenue the permitted uses are contained in Section 153.270, Class ULB-Limited Business.
- c. Zoning for the rest of the redevelopment area will remain the same.

C. Additional Development Standards and Regulations

In addition to complying with the development standards and regulations set forth in Article 6 of the Akron Zoning Code, any new development or expansion in UPD 5 shall comply with the conditions noted below. Where conflicts exist, the standards of this Renewal and Redevelopment Plan take precedence.

Non-conforming structures and uses are subject to Article 10 of the Zoning Code. When a non-conforming structure in the Limited Retail Area (UPD 5.a) undergoes an exterior alteration, expansion or reconstruction whose cost exceeds 30% of the appraised value of the building or structure on the

property tax duplicate then the entire building shall comply with C.7 and C.8 of this section.

Under no circumstances may a structure be altered to place a drive-through window at the front of a principal structure (see Section C.3)

1. Building Setback

- a. Within the UPD-5.a. Limited Retail Area, the minimum building setback is zero (0) feet and the maximum building setback is fifteen (15) feet. Owners may utilize fifteen (15) feet between a private building and the public right of way for seating, outdoor dining, landscaping, hardscaping or artwork.
- b. Structures in the UPD 5.b. Limited Business Use (ULB) Area on the south side of West Market Street are to observe a 25 foot setback. Structures on the north side of West Market Street within this area are to observe a 40 foot setback.

2. Parking Facilities

- a. The design, layout and access to off-street parking shall be reviewed and approved by the City. Access to parking areas from side streets or alleys rather than West Market Street is encouraged.
- b. All parking and service areas shall be paved and have concrete curbing according to Bureau of Engineering Standards.
- c. Parking lots shall be located at the rear of the principal structure. Access to rear parking areas may be provided by a private drive with a maximum width of 10 feet. Where there is insufficient space to provide all of the required parking at the rear of the principal structure, up to 50% of the parking may be located at the side of the principal structure.
- d. No parking, stacking or circulation aisles are permitted between the West Market Street right-of-way line and a principal structure.
- e. The minimum setback for parking lots from a public street is 5 feet. The minimum setback for parking lots from residential zoned property shall be 10 feet.
- f. Parking lots must be screened from all abutting public streets by:

1. A three foot high solid masonry or stone wall located at the street right of way line (plain concrete block is not permitted), or:
 2. A three-foot high decorative metal tube or solid metal bar fence located at the street right of way line; or
 3. A minimum five-foot wide landscaped area between the parking lot and the right-of-way. The landscaped area must be planted with a double staggered row of shrubs and one deciduous shade tree per 30 feet of frontage. Trees and shrubs must be maintained in good condition; dead material must be replaced within one year.
- g. A solid fence 6-feet in height is required between a parking area and residential-zoned property
- h. Public parking will be developed north and south of business development on West Market Street in the Renewal Area. Once that occurs, owners of property assessed for public parking may have the required number of off-street parking spaces reduced by up to 50% by the Director of the Department of Planning and Urban Development.

3. Drive –Thru Uses

Drive-thru pickup windows and coverings are prohibited on West Market Street building frontages and may be attached to the rear or side of the principal structure.

4. Outdoor Advertising Displays

No outdoor advertising display of any nature shall be placed, erected or located in the Highland Square Redevelopment Area.

5. On-Premise Exterior Signs

The regulations found in Article 8 of the Akron Zoning Code apply to all exterior signage in the Highland Square Redevelopment Area.

- a. Base-mounted ground signs are required for properties between Grand Avenue/Casterton Avenue and Rhodes Avenue.

6. Building Materials

For business structures all buildings shall include visible decorative masonry materials. Residential structures shall include visible masonry materials. All materials shall be subject to approval by the Department of Planning and Urban Development.

7. Features of Primary Business Buildings fronting on West Market Street

- a. A primary building frontage shall incorporate at least one main entrance door. At a building corner where two primary building frontages meet, one main entrance door may be located so as to meet the requirement for both building frontages.
- b. A building frontage that exceeds a width of 50 feet shall include permanent vertical elements to break the plane of the building frontage. The vertical elements shall be spaced at intervals of 15 feet to 35 feet along the entire building frontage.
- c. For each primary building frontage, at least 60% of the area between the height of two feet and ten feet above the nearest sidewalk grade shall be clear/non-tinted window glass or door permitting a view of the building's interior to a minimum depth of four feet. For a side street building frontage, the pattern of window glass shall continue from the primary frontage a minimum distance of ten feet. This requirement does not apply to buildings with first floor residential units at the principal structure frontage.
- d. All-roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the aesthetic character of the building.

8. On Site Trash Storage

On site trash materials shall be stored in a structure(s) that match the materials of the primary buildings to the height of the dumpster and be located at the rear of the building.

9. Access

The Traffic Engineer shall approve vehicular ingress and egress to buildings and parking areas. Common vehicular ingress and egress points are encouraged for retail and residential development.

10. Exterior Lighting

All public exterior area shall be well lighted in a manner suitable for the intended use. Lighting should be adequate for the intended use, but should be sited and of such a nature as not to be intrusive into surrounding areas.

D. Height District

The Height District in the Highland Square UPD 5 area for properties fronting on West Market Street is H2, fifty-feet (153.335.C). The remainder of the Redevelopment Area has an H1 Height District, thirty-five feet (153.335.B.)

All new buildings constructed within the Redevelopment Area must contain at least two stories.

VI. Project Proposals

A. Land Acquisition

1. Identification of real property proposed to be acquired in the Renewal Area:

The City intends to create public parking on the south side of West Market Street or to assist in the creation of private parking. Parcels intended for acquisition in the Highland Square renewal Area will be identified in a later amendment to the Renewal Plan.

2. Conditions under which properties not identified to be acquired may be acquired.

Properties that are severely deteriorated (substandard or major deterioration) may be acquired in order to remove conditions of blight that constitute a threat to health, safety, and welfare in the area. Structures that are not substandard, or in a state of major deterioration, may be acquired when they are necessary for public improvements, or when their

acquisition is necessary in order to carry out the development goals of the plan, and to permit proper and orderly development in the project area.

3. Conditions under which properties identified to be acquired may not be acquired.

Such properties may not be acquired if it is determined that an acceptable alternative will achieve the objectives of the Plan.

B. Rehabilitation and Conservation

Properties not identified for acquisition may be rehabilitated provided they meet the land use objectives of this Plan and applicable state and local codes. Owners of properties receiving financial assistance from the City of Akron for rehabilitation must agree to permit 25% of their existing off-street parking to be available to the general public and not restricted to customers of businesses located on that property.

C. Redeveloper's Obligations

A Sale or Lease Agreement shall restrict redevelopment within the Highland Square Urban Renewal Area on land to be sold or leased by the City for redevelopment. The Sale or Lease Agreement or Development Agreement and project reviews and approval shall apply to all of the Redeveloper's contiguous property within the urban renewal area. The Sale or Lease Agreement or Development Agreement shall include the following provisions:

1. The Redeveloper shall submit site plans and building plans to the City of Akron, Department of Planning and Urban Development. The Urban Design and Historic Preservation Commission shall review and Planning Commission shall approve these plans, prior to commencement of construction, to determine compliance of such plans with the Renewal Plan. It is expressly understood that approval of any plans by the City of Akron applies to any and all features shown thereon; and that any subsequent additions, deletions, or other modifications thereof are required to be submitted by the developer before construction of such modifications can begin.
2. The Redeveloper shall commence rehabilitation or new construction on land acquired by the City and conveyed to the Redeveloper within 3 months after conveyance.

3. The Redeveloper shall agree that no covenant, agreement, lease conveyance or other instrument relating to the property shall be effected or executed on the basis of race, creed, color, sex or national origin in the sale, lease, use or occupancy thereof.
4. The Redeveloper shall maintain the structure and facilities in accordance with all codes and ordinances of the City of Akron.

VII. Other Development Provisions

A. Relationship to Local Objectives

The Urban Renewal Plan proposals are based on planning objectives for the City of Akron as expressed in the General Plan and Workable Program. The Renewal Plan provides for the redevelopment of the project area in a manner that will promote the public health, safety, morals and welfare.

The acquisition and elimination of blighted conditions and the prevention of the recurrence of blight will benefit the general public and the business and property owners adjacent to the Highland Square Urban Renewal Area.

The land use proposals of the plan will provide for development of residential, retail, office, attendant facilities and parking.

B. Relocation Plan

Should action by the City result in displacement of any residents, the relocation of displaced individuals, or families will be carried out in conformance with the City of Akron Relocation Plan and Activity Program.

C. Duration of the Renewal Plan Restrictions

The Renewal Plan and/or modification thereof shall be in force and effect for a period of 40 years from the date of approval of this Renewal Plan by the City of Akron. The termination of this Renewal Plan shall in no way permit the project land or any part thereof to be restricted on the basis of race, creed, color, sex, or national origin in the sale, use, or occupancy thereof; nor shall it permit the practice of discrimination based on race, creed, color, sex, or national origin.

D. Provisions for Amending Approved Plan

The City Planning Commission and City Council may amend this Renewal Plan. Provided the boundaries do not change a public hearing on changes is not required.

VIII. Legislation to be Utilized to Fulfill Plan Objectives

Ohio Revised Code: Tax Increment Equivalent

Tax increment financing, as permitted by the statutes, will assist the City in paying for improvements that will be undertaken within the Highland Square Renewal Area and other public improvements and costs necessary to accomplish the goals of the City's General Plan.

Conditions described in the Eligibility Report for the Highland Square Urban Renewal Area also meet the definition of "blighted" as contained in Section 303 of the Ohio Revised Code.

4/17/06